## ATTACHMENT ONE ENCLOSED AS PART OF SIERRA CLUB CALIFORNIA COMMENTS ON THE CAHSR DRAFT EIRÆIS

Sierra Club/Loma Prieta Chapter 8/28/2004 Response Letter: CAHSR-DRAFT EIR EIS existing users, upon payment of a reasonable compensation for construction and maintenance of the road, by the applicant to the existing permittee.

- (f) Subject to the appropriation of funds by the Legislature, the state agency or agencies having jurisdiction over such wilderness areas may acquire privately owned land within the perimeter of any area designated by this chapter as a wilderness area.
- (g) The state agency or agencies having jurisdiction over such wilderness areas may accept gifts or bequests of land within or contiguous to wilderness areas. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this chapter, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

5093.38. Nothing in this chapter shall affect the jurisdiction or responsibility of the state with regard to fish and wildlife. Hunting and fishing may be permitted on lands and waters administered as parts of the system under applicable state or federal laws and regulations.

5093.39. The secretary shall, no later than December 1, 1975, and on or before December 1st of each year thereafter, report to the Governor and to the Legislature on the status of the system, including a list and descriptions of the wilderness areas within the system, guidelines and regulations in effect, and recommendations for additions to the system.

5093.40. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

ATTACHMENT ONE
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# APPENDIX 8

John Holtzclaw, \*Robert Clear, Hank Dittmar, David Goldstein and Peter Haas Location Efficiency: Neighborhood and Socio-Economic Characteristics Determine Auto Ownership and Use--Studies in Chicago, Los Angeles and San Francisco.

Transportation Planning and Technology, Vol. 25(1),pp 1-27, March 2002. http://www.tandf.co.uk/journals/online/0308-1060.html

# High Speed Rail and Sprawl Impacts

HSR can be a strong tool for building more efficient and healthier communities and environment. Or, if done wrong, it can add to sprawl, waste and pollution. Sprawl is connected to, or impacts, nearly every aspect of the environment, including habitat, water, air and water pollution, global warming and resource use. But we seldom have venues to evaluate those impacts comprehensively.

Expanding highways and roads has an even greater impact on the environment, usually adding to the deterioration of natural areas. But HSR offers opportunities to compensate for the damage we've already caused, and to limit further damage.

This appendix shows how land use, transit service, nearby shopping, pedestrian amenities, autos and annual auto mileage vary widely across existing communities. The variation in land coverage by concrete/asphalt and the water consumption across neighborhoods is shown to introduce a web-based calculator for all the above variables. The Location Efficient Mortgage research and its results are also described. This research is used to evaluate the impacts of sprawl-inducing developments.

Neighborhood form impacts many aspects of energy and materials consumption, including auto ownership, driving, asphalt and concrete paving, building materials and heating and cooling energy, and water consumption. Smart Growth development can cut land, materials, water and energy consumption compared to sprawl development. Community efficiency begins with the design of the neighborhood itself, its density.

John Holtzclaw, consultant, 1508 Taylor, San Francisco CA 94133.
Robert Clear, Rhamphorynchus Society, 3134 California, Berkeley CA 94703.
Hank Dittmar, Surface Transportation Policy Project, 1100 17 St. NW, Washington, DC 20036. David Goldstein, Natural Resources Defense Council, 71 Stevenson #1825, San Francisco CA 94105.

Pater Hage, Center for Naichborhood Technology, 2125 W, Nasth Aug. Chicago H.

Peter Haas, Center for Neighborhood Technology, 2125 W North Ave., Chicago IL 60647.

\*To whom correspondence should be addressed. E-mail: john.holtzclaw@sierraclub.org The data for the three metropolitan areas are available at www.cnt.org/lem/lemdata.html



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Sierra Club/Loma Prieta Chapter 8/28/2004 Response Letter: CAHSR- DRAFT EIR EIS provision of public transit, sidewalk and street design, proximity of job locations, and even simply allowing and promoting restaurants, groceries, pharmacies, hardware stores and child care in residential areas. Most communities in America have zoning which prohibits efficient communities.

# Neighborhood Form Impacts Driving

Suburban sprawl development typically ranges from 1 to 5 households/residential acre (hh/res ac). Many neighborhoods prohibit sidewalks. Streets are generally wide, and their patterns often include cul-de-sacs, with collector streets connecting to through arterials. The resulting round-about route lengthens walking distances. Sprawl zoning prohibits neighborhood commercial development, so even a trip to the grocery for a bottle of milk often requires driving a freeway to a shopping center. San Ramon, in Contra Costa County, CA, is an example.

By contrast, in the Rockridge area of north Oakland, streets follow a rectilinear grid and are narrow; many blocks have sidewalks, and those along the main street, College Avenue, are broad. Most buildings along College meet the sidewalk, but most of the homes elsewhere are set back. Buildings along College are multistory. Street trees are plentiful. College Ave. has shopping located on the ground floor of residential buildings. BART has an urban rail station.

The North Beach area of San Francisco (including Russian, Nob and Telegraph Hills, and Chinatown and Fisherman's Wharf), streets follow a rectilinear grid and are narrow; sidewalks are broad. Most buildings meet the sidewalk, and have small backyards. Buildings are multistory, mostly 3 or 4-story with a few to 30 stories. Street trees and nearby shopping are plentiful. Much neighborhood shopping is located on the ground floor of residential buildings. The southern part of North Beach is within walking distance of BART, Muni Metro light rail and historical street cars, and the North Beach area has many cable car, trolley bus and bus routes. It has limited parking.

Manhattan is at least twice as dense as North Beach, but otherwise with many of the same characteristics. Some of its neighborhoods are lined with 20 to 30 story apartment houses and coops. It's subway and bus system provides many times more service than in North Beach. It has very limited and expensive parking.

Let's compare these four typical neighborhoods, which vary widely in compactness, convenience and driving. Density is the most important single measure of community efficiency. Table 1 shows the average density of these neighborhoods.

At 3.2 units per residential acre, San Ramon consumes three times as much land per household as Rockridge, 30 times as much land as North Beach, and 60 times as much as Manhattan. Consequently, Rockridge saves 68% of the land that would be required to house the same number of families in sprawl. North Beach saves 97% of that land, and Manhattan saves 98.5% — land is habitat for animal, plant, fungal, bacterial and archeal species, and in natural form removes pollutants and global warming gases from the

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Sierra Club/Loma Prieta Chapter 8/28/2004 Response Letter: CAHSR- DRAFT EIR EIS environment.

Table 1. Attributes of Four Typical Neighborhoods

	Sprawl	Transit Village	Urban Center	Metro Cente
	San Ramon	Rockridge	North Beach	Manhattan
	CA	Oakland	San Francisco	
Res Density	3.2	10	100	200
Transit (veh/hr	1	27	90	Very high
Shopping (5 w/in	No homes	25% of homes	All homes	All homes
Pedestrian	Low	Medium	High	High
Autos/capita	.79	.66	.28	.12
Auto miles/capita	10,591	6,455	2,759	1,145
Ann. household	\$8,200	\$5,030	\$1,900	\$800

Holtzclaw, Using Residential Patterns and Transit to Decrease Auto Dependence and Costs, 1994;

Newman and Kenworthy, Cities and Automobile Dependence, 1989 San Francisco Chronicle housing sales summaries, 2002 & 2003.

It's very expensive to provide good public transit to sprawling areas, where riders are few and routes necessarily long and time-consuming. Consequently, San Ramon has only 1 bus per hour within a ½ mile of the average home. That compares to 27, mostly BART trains, in Rockridge, 90 in San Francisco, and even higher service in Manhattan. Good public transit service is necessary to attract high ridership.

Since markets, drugstores, restaurants and the like are prohibited by the zoning laws from sprawling residential neighborhoods, no homes in San Ramon have 5 such establishments within a quarter mile, while 25% in Rockridge do, and all homes in North Beach and Manhattan do. The North Beach neighborhood of San Francisco has more than 700 restaurants within a 1 mile walk of centrally located homes, and even more markets. That's convenience and results in walking for many trips.

Pedestrian amenities include the street grid, sidewalks, buildings built to the sidewalk and safe traffic. A rectilinear street pattern gives the pedestrian more route options and shorter routes, as well as more frequent intersections to slow traffic and allow safer street crossings. Narrower streets slow traffic and reduce crossing distances. Buildings built to the sidewalk can provide weather protection and interesting store windows, and don't require crossing a parking lot to enter. San Ramon had low pedestrian conditions with few sidewalks. Rockridge provides medium conditions. Both North Beach and Manhattan have high pedestrian amenities. Density, local shopping, public transit and pedestrian amenities are crucial to reducing auto ownership and driving. Notice that they typically vary together.

Consequently, San Ramon residents require 0.79 cars per capita, according to the U.S. census. Rockridge has only 0.66, while North Beach has  $0.28,\,1/3$  as many as San





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Sierra Club/Loma Prieta Chapter 8/28/2004 Response Letter: CAHSR- DRAFT EIR EIS Ramon, and Manhattan has 0.12, 1/7 as much. The average San Ramon resident annually drives 10,590 miles, compared to 6,455 in Rockridge, 2,760 in North Beach, ¼ as much driving, fuel consumption and pollution, and 1,145 in Manhattan, 1/9 as much. Annual household auto expenses are \$8,200 in San Ramon, \$5,030 in Rockridge, \$1,900 in North Beach and \$800 in Manhattan.

# The Location Efficient Mortgage® Study of Auto Ownership and Driving

To explore these relationships in more detail, the Institute for Location Efficiency (an enterprise of the Center for Neighborhood Technology, Natural Resources Defense Council and Surface Transportation Policy Project) studied all the neighborhoods in the Chicago, Los Angeles and San Francisco metropolitan areas. This Location Efficient Morgage\* study of nearly 3000 neighborhoods showed that more compact urban neighborhoods are more convenient, and trips are much shorter so that residents walk, bike and take transit more. High density areas also have more shopping and better public transit service. We found the same pattern of more driving at lower densities in all three regions (John Holtzclaw, Robert Clear, Hank Dittmar, David Goldstein and Peter Haas, Location Efficiency: Neighborhood and Socio-Economic Characteristies Determine Auto Ownership and Usee—Studies in Chicago, Los Angeles and San Francisco. *Transportation Planning and Technology*, Vol. 25(1),pp 1-27, March 2002).

These three metro areas differ widely in topography, one flat and two mountainous. One rustbelt, one sunbelt and the other a West Coast area that fancies itself European. Yet, the plot of annual driving against density looks almost identical, see Figure 1. In low density sprawling areas, below 5 hh/res ac, families in each area drive 20,000 to 30,000 miles annually. At 100 hh/res ac, families drive less than 5,000 miles.

We know single adults and families with children drive more than seniors. Yet, as Figure 2 shows, retired families in sprawl (1 – 5 hh/res ac) drive 30 to 40 miles daily, compared to only 10 to 15 for single adults or families with children living at 100 hh/res ac. This analysis used the Metropolitan Transportation Commission's Household Travel Survey. Density predicts our driving better than our stage of life.

Figure 1. Driving in Three Metropolitan Areas

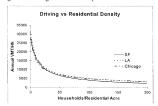
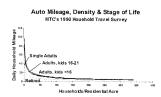


Figure 2. Driving by Stage of Life



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Similarly, larger households need to drive more. Aggregating the data for the three metro areas gives Figure 3. Indeed, larger households drive more, but even smaller households living in sprawl drive 20,000-30,000 miles annually compared to the 8,000 miles driven by a large family living at 100 hh/res ac.

Figure 3. Driving by Household Size

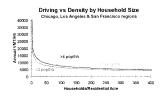


Figure 4. Driving by Household Income



The poor drive less than the middle class or wealthy, as shown in Figure 4. But poor families living in sprawl still have to drive 20,000 – 30,000 miles annually. That's much more than the 10,000 miles driven by wealthier households living at 100 hh/res ac.

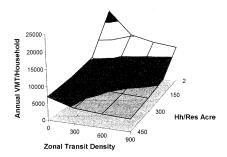
The Location Efficient Mortgage study developed a set of equations to predict auto ownership, driving per car and driving per household for each of the three metro areas. The nearly 3000 neighborhoods gave us very many degrees of freedom. Yet, these equations predict 79 to 96% of the variation in household auto ownership and driving between neighborhoods--using their density, household income and size, transit service and pedestrian/bicycle friendliness.

Using the equations for the San Francisco Bay Area, Figure 5 shows the annual driving of households with the regional average income and size. This family living at 2 hh/res ac with no public transit will drive about 25,000 miles (the high point on the graph). As transit service increases, with no change in density (follow the curve to the right), driving decreases. Similarly, as density increases even with no transit service (follow the curve to the left), driving falls off even faster. The near point in the curve shows that this family living in a dense area (450 hh/res ac) with high transit service will drive only 3,000 or 4,000 miles. But the curve also shows that a given modest increase in density or transit service will reduce driving more for those living in the lowest density and transit neighborhoods.



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Figure 5. Impact of Density and Transit on Driving in the San Francisco Bay Area



# Collateral Efficiencies of Compact Development

Not only is transportation more efficient in the dense areas, but other types of consumption are reduced too. Twenty years ago Phillips and Gnaizda compared a run-ofthe-mill apartment house on Nob Hill in the North Beach area with a state-of-the-art energy conserving houses in Davis, California. They found that residents of the sprawling area consumed much more land, construction materials, water and energy than urban residents, see Table 2. Comparisons of more variables are available at www.sflcv.org/density

Thirtyfive times as much natural habitat and farmland is lost to housing development in sprawl as on Nob Hill. Five times as much copper pipe (and wiring) are needed in the sprawl development. Four times as much lumber, but perhaps only twice the total building materials since the Nob Hill apartments had substantial masonry, are needed for the sprawl houses. But 15 times as much asphalt or concrete are required for the streets and driveways. Higher use of construction materials requires more logging, mines and

Seventy times as much water is required in sprawl, much of it for watering lawns. Davis has hotter summers, and accounting for that reduces the difference to perhaps 35 times as much. More water use requires more dams and lowers stream flows. More driving requires more drilling, tankers and refining, emitting more pollution.

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Sierra Club/Loma Prieta Chapter 8/28/2004 Response Letter: CAHSR- DRAFT EIR/EIS Despite their award-winning energy efficient design, the sprawl houses used 5 times as much heating and cooling energy. Thanks to exposing much more roof, walls and windows to the sun, rain and winds. And multi-family units share walls to conserve energy. Accounting for Davis' harsher climate could reduce that difference by half.

as a typical Nob Hill apartment

(San Francisco)

Table 2. Urban vs. Suburban Materials and Energy Use

Suburban homes use \* 5x the copper pipe apartment (Davis CA)

- \* 35x the land \* 15x the roadway
- \* 4x the lumber \* mail carrier travels 300x as far
- \* 70x as much water
- \* 5x as much heating
- \* 4x as much driving

Ref: Phillips & Gnaizda, CoEvolution Quarterly, Summer 1980

# **Achieving Smart Growth**

While no set of rules is absolute, Smart Growth usually has the following characteristics:

- 1. Zoned for compact neighborhoods with sidewalks, local shopping and restaurants, but with no front and side yard setbacks nor required off-street parking.
- 2. Incorporates attractive architecture, green building standards and quality construction.
- 3. Streetscapes designed to provide pedestrian and bicycle amenities and calm traffic.
- Provides a wealth of parks, creeks, wildlife corridors and recreation areas.
- Seeks diversity in family incomes, ethnicity and building heights.
- Neighborhoods located near downtown or other centers.
- Excellent public transit provided.
- 8. Subsidies to auto use are eliminated, or at least reduced, by providing very limited parking and charging market rates for it.

A much higher level of smart growth or smart neighborhood can be achieved by infilling into central areas of present cities than developing greenfields. These central areas of cities already have a nearby mass of customers and potential pedestrians and transit riders nearby, have the potential for higher densities, and if developed smartly can achieve the outlined benefits.

# Conclusions

Smart Growth developments can cut:

- 1. 70 99% of land occupied by residential development, saving habitat and species.
- 2. 30 95% of cement and asphalt for roads, sidewalks and driveways, saving species,



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- 3. 25-50% of building construction materials, saving materials, mining, energy, global warming and pollution.
- 50 95% of utility pipe and wiring, saving materials, mining, energy, global warming and pollution.
- 5. 25 85% of auto ownership, saving materials, mining, energy, global warming and pollution.
- 6. 40-90% of driving, saving mining, energy, global warming and pollution.
- 7. 60 95% of water use, primarily for lawns and car washing, saving rivers, species, energy, global warming and pollution.
- 8. 30-80% of heating and cooling energy, saving mining, energy, global warming and pollution.

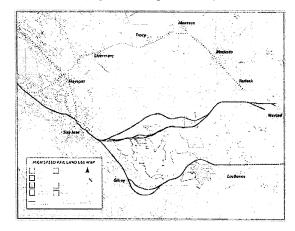
The lower ranges of these savings can be achieved by building at lower densities, with lower impacts on already sprawling cities. The upper ends of these savings can be achieved by infilling within central areas of cities already developed smartly. The potential savings of land occupation, water use, species, materials, mining, energy and pollution are substantial, nay huge.

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# APPENDIX 9

Land Use Map Showing the Land Use Along the Proposed Diablo/Pacheco Routes (the green areas are agricultural lands)





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# APPENDIX 10

# ISSUES MEMORANDUM

TO: San Joaquin Valley Rail Committee

FROM: Trudy Williams, Research Director

Transportation Involves Everyone (TIE)

March 12, 2004

**Re:** Results of analytic research into legitimacy of California High Speed Rail Authority's defiance of established decision on Trans-Diablo Corridor

FINDING: The California High Speed Rail Authority lacked the legal basis for removing the Altamont Pass alternative prior to the completion of environmental studies required by CEQA and NEPA. To date, only the first draft of the Environmental Impact Report/ Environmental Impact Statement (EIR/ EIS) has been released and is still under review.

## Legislative history

California State Laws enacted as part of the State Public Utilities Code provide a history and legal authority for the current California High Speed Rail Authority. The list begins with a 1993 Senate Concurrent Resolution, SCR6, establishing the High-Speed Rail Commission in 1993, which published findings and recommendations in 1996. Of note are the professional qualifications required by SCR6 for appointees to the High-Speed Rail Commission versus the absence of professional qualifications from SB1420, which created the High Speed Rail Authority.

The main bills pertaining to the Authority are SB1420, AB1703, SB796 and SB1856. There is another bill, SB1799, which is referred to in SB796 and apparently established another six-month extension of the sunset date, but it does not appear that SB1799 was ever signed and chaptered. SB1420 established the Authority; AB1703 provided the first extension for the sunset date terminating the agency, and SB796 provided an indefinite extension, thus removing any sunset date for the Authority. SB 1856 would authorize funding and generates the November ballot bond issue.

## ATTACHMENT ONE ENCLOSED AS PART OF SIERRA CLUB CALIFORNIA COMMENTS ON THE CAHSR DRAFT EIR EIS

Sierra Club/Loma Prieta Chapter 8/28/2004 Response Letter: CAHSR- DRAFT EIR/EIS Duties and powers identified in State law

The current Authority contends that the Commission was tasked to do a feasibility study of high-speed rail in California while the Authority's responsibilities are, in the words of the Authority's Deputy Director, "to design, build and operate" the system, which apparently includes, in that interpretation, the proposing of corridor routes. However, based on our research of the State Public Utilities Code, there would seem to be conflicting directives: SCR6 states: "Resolved, That the plan [produced by the High-Speed Rail Commission] be sufficiently detailed to include corridors, ... Resolved, That the plan identify corridors to be served, ... [and] Resolved, That all feasible routes be considered and that this measure shall not be construed to imply preference for any specific route ...", (Italies added.)

Beginning with Section 185000 and continuing in ensuing sections, the California Public Utilities Code provides for regulation of issues relating to a high-speed rail system. Section 185034 of the Public Utilities Code, which lists the duties of the Authority, states that the Authority may "(5) Select a proposed franchisee, a proposed route, and proposed terminal sites for the high-speed rail system." In our understanding of the language, the phrase "Select[ing] a proposed route" does not have the same meaning as does the phrase "proposing routes for selection," which the Commission was tasked to do. (Italics added.)

# Removal of Altamont Pass alternative

In addition, Section 185032. (a) (1) of SB1420 establishing the High Speed Rail Authority (SB1420) contains language which is included in (or is left unamended) in each ensuing legislative amendment (i.e. AB1703 and SB796) of the Public Utilities Code, stating that "[t]he authority shall prepare a plan for the construction and operation of a high-speed train network for the state, consistent with and continuing the work of the Intercity High-Speed Rail Commission conducted prior to January 1, 1997..." (Italics added.) Included in the Commission's comprehensive 1996 report to the State legislature, completed without legislative extension, were "sufficiently detailed" proposed route alternatives, among them the Commission's preferred alternative of the Altamont Pass alignment, conspicuous in its absence from the 2004 Draft EIR/EIS. After review of the Commission's report and the Authority's ensuing environmental screening done in 2001, it appears to a number of concerned clitzens and organizations that the Authority's rationale for removing the preferred alternative is flawed at best.

Nowhere in the language of SB1420 or in the language of the ensuing legislation could there be found any prohibition of additional route proposals; however, the legislation consistently directs the consideration of "all feasible" proposed routes, which would seem to preclude the deletion of any proposed route, absent consideration of that route in an EIR/EIS as required by state and federal law. Therefore, the question arises: How can a determination of feasibility be made for a proposed route (e.g. Altamont Pass) outside of an EIR/EIS process? While the EIR/EIS was not released in first draft form until January of this year, the Altamont alternative was removed from consideration prior to the release of the Authority's Final Business Plan in June 2000, which is available on the CHSRA's website.



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FINDING: By supporting the high-speed rail bond measure as it will appear on the November ballot via resolution, this Committee will also be on record as supporting the Authority's preferred Pacheco Pass alternative

The language of the Operations and Marketing Subcommittee's proposed resolution seems innocuous and rather generic, an endorsement of the November 2004 bond measure to fund a high-speed rail system in California. However, upon closer reading of SB1856, our research shows that an endorsement of the \$9.95 billion bond measure as it will appear on the November ballot would, in fact, mean an endorsement for more than just the methods of funding California's state-wide high-speed rail system.

## California Streets and Highways Code

Passage in the fall of 2002 of SB1856 added Chapter 20 (commencing with Section 2704) to Division 3 of the California Streets and Highways Code. Under Article 3., 2704.21; Sec.4 (b) of Chapter 20, we find the language that will appear on the November 2004 ballot:

However, Article 2, Section 2704.06 of Chapter 20 contains language stating that approval of the bond measure would also mean approving "a high-speed train system in this state consistent with the authority's Final Business Plan of June 2000, as subsequently modified pursuant to environmental studies conducted by the authority." The business plan of the HSRA, which can be found at <a href="http://www.cahighspeedrail.ca.gov/plan/default.asp">http://www.cahighspeedrail.ca.gov/plan/default.asp</a>, does not include the Altamont option, but rather promotes the Pacheco Pass alternative, evidenced by the route maps and graphics contained on the CHSRA's website display of the June 2000 Final Business

In fact, our research supports the conclusion that the "Final Business Plan of June 2000," rather than being "modified pursuant to environmental studies conducted by the authority," appears, instead, to have driven the ensuing environmental studies commissioned by the Authority subsequent to its adoption of a "Final Business Plan."

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# '... environmental studies conducted by the authority.'

Another problem inherent in placing the bond measure on the November ballot is that the Environmental Impact Report/ Environmental Impact Statement may not be in its final form by the time of the General Election, not an unreasonable possibility given that it has taken the Authority from May 2000, when the first Request for Proposal (RFP HSR-00001) was issued, until January of this year to come up with a first draft of the EIR/EIS, which is currently under its first public review.

It is interesting to note that a series of High-Speed Train Screening Evaluations of proposed corridor routes performed by Parsons Transportation Group, Earth Tech, Inc. and Geotechnical Consultants, Inc. were released by the HSRA in August 2001, apparently a result of the May 31, 2000, RFP issued by the HSRA. Also interesting is that these archival documents show the California High-Speed Rail Commission's recommended Altamont Pass alternative had already been eliminated by the HSRA, prior to any environmental evaluation, which may be a violation of or at least challengeable under the California Environmental Quality Act (CEQA) Section 15126.6.

Although they were removed by the Authority prior to 2000, the omissions of the Altamont Pass and Panoche Pass options from consideration in the August 2001 and in the current Draft EIR/EIS have been noticed by a number of Californians. In fact, as recently as the February 17, 2004, meeting of the State Senate Transportation Committee, Sen. Jackie Speier raised questions concerning the return of the Altamont option to the list of proposed routes.

Therefore, absent a certified EIR/EIS, we conclude that any endorsement of the bond measure as written would be a premature one.

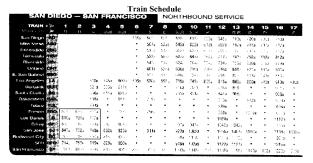


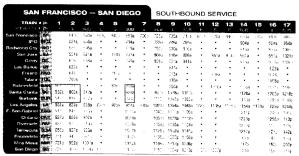


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# APPENDIX 11





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# APPENDIX 12 THALYS TRAIN SCHEDULE

